

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DAVID G. STERN, )  
Petitioner, )  
v. )  
DAVID L. WINN, )  
Respondent. )  
\_\_\_\_\_  
)

Civ. Action No. 04-CV-10465-NG

**RESPONDENT'S NOTICE OF RECENT DECISION**

Respondent hereby informs the Court of the September 3, 2004 decision by the First Circuit Court of Appeals in Goldings v. Winn, et al, Appeal No. 03-2633 (copy attached). Respondent provides this Notice to the Court because it is relevant to the issues raised by Petitioner in this matter. Respondents further inform the Court that they have not decided whether they will seek further appellate review in the Goldings case, but they expect to do so within the time permitted under FRAP 40(a)(1), for a panel rehearing, and 35(c), for a rehearing *en banc*, which in this case is on or before October 24, 2004.

Respectfully submitted,

DAVID WINN

By his attorney

MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

Dated: September 15, 2004

By: /s/ Jeremy M. Sternberg  
Jeremy M. Sternberg  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3100

Certificate of Service

I hereby certify that on September 15, 2004, I caused a copy of this pleading to be sent by U.S. Mail to David G. Stern, Reg. No. 23799-038, Unit I (Camp), Federal Medical Center, Devens, P.O. Box 879, Ayer, MA 01432.

/s/ Jeremy M. Sternberg  
Jeremy M. Sternberg  
Assistant U.S. Attorney